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10 Attorneys for Defendant
11 VNGR BEVERAGE, LLC d/b/a POPPI

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 VANESSA JACKSON, on behalf of herself,
16 all others similarly situated, and the general
public,

17 Plaintiff,

18 v.

19 VNGR BEVERAGE LLC, d/b/a POPPI

20 Defendant.

21 This Document Relates to:
22 Case No. 4:24-cv-03229-HSG

Case No. 4:24-cv-06666-HSG

**REVISED JOINT REQUEST TO EXTEND
TIME TO RESPOND TO THE COMPLAINT;
ORDER**

Dept: Courtroom 2
Judge: Judge Haywood S. Gilliam, Jr.

Pursuant to Civil Local Rules 6-2, 16-2, and 7-12, Plaintiff Vanessa Jackson (“Plaintiff”) and Defendant VNGR Beverage, LLC d/b/a Poppi (“Defendant” or “Poppi,” and together with “Plaintiff,” the “Parties”) hereby jointly stipulate and agree as follows:

1. WHEREAS, on May 29, 2024, a putative class action was filed in this Court against Poppi alleging violations of consumer protection laws, captioned *Cobbs v. VNGR Beverage, LLC*, Case No. 4:24-cv-03229-HSG (the “*Cobbs* Action”);

2. WHEREAS, on May 29, 2024, a substantially similar putative class action, involving the same questions of law and fact, was filed in the Northern District of California, captioned *Lesh, et al. v. VNGR Beverage, LLC*, Case No. 4:24-cv-03612 (the “*Lesh* Action”);

3. WHEREAS, on June 27, 2024, the Court consolidated the *Cobbs* and *Lesh* Actions, recaptioning the case to *In re VNGR Beverage LLC, Litigation* (the “Consolidated Action”) and setting deadlines for the filing of a consolidated amended complaint and related responsive filings;

4. WHEREAS, on July 19, 2024, a third substantially similar putative class action, involving the same questions of law and fact, was filed in the Northern District of California, captioned *Megan Wheeler v. VNGR Beverage LLC*, Case No. 3:24-cv-04396 (the “*Wheeler* Action”);

5. WHEREAS, on August 18, 2024, the parties in the Consolidated Action jointly stipulated that the *Wheeler* Action should be consolidated into the Consolidated Action, that plaintiffs would file a second consolidated amended complaint by August 20, 2024, and that Poppi will respond to the second consolidated amended complaint by September 23, 2024;

6. WHEREAS, on August 20, 2024, plaintiffs in the Consolidated Action filed the Second Amended Consolidated Complaint (“SAC”);

7. WHEREAS, on August 21, 2024, the Court granted the parties’ stipulation in the Consolidated Action;

8. WHEREAS, on September 23, 2024, Poppi filed its Motion to Dismiss the SAC in the Consolidated Action;

9. WHEREAS, on September 23, 2024, Plaintiff filed a putative class action in this Court against Poppi alleging substantially similar issues of law and fact, captioned *Jackson v.*

1 *VNGR Beverage, LLC*, Case No. 4:24-cv-06666-HSG (ECF No. 1) (the “*Jackson Action*”);

2 10. WHEREAS, Poppi’s deadline to respond to the Complaint in the *Jackson Action* is
3 November 22, 2024;

4 11. WHEREAS, Poppi’s deadline to file a reply in support of the Motion to Dismiss in
5 the Consolidated Action is due on November 12, 2024 and the hearing on Poppi’s Motion to
6 Dismiss is on December 5, 2024;

7 12. WHEREAS, on October 4, 2024, Poppi filed an Administrative Motion to relate the
8 *Jackson Action* to the Consolidated Action, which was not opposed by any party;

9 13. WHEREAS, on October 11, 2024 the Court related the *Jackson Action* to the
10 Consolidated Action;

11 14. WHEREAS, to advance the interests of judicial economy and efficiency, prevent
12 duplication, and preserve the Court’s and Parties’ Resources, the Parties, therefore, respectfully
13 submit that an extension of Defendant’s time to respond to the Complaint in the *Jackson Action* is
14 warranted;

15 15. WHEREAS, the Parties agree that Defendant need not answer, move, or otherwise
16 respond to Plaintiff’s Complaint in the *Jackson Action* until forty-five (45) days after the Court
17 decides Poppi’s pending Motion to Dismiss in the Consolidated Action, as the decision may have
18 relevance to the related *Jackson Action*; and

19 16. WHEREAS, an initial case management conference is presently set in the *Jackson*
20 Action for January 7, 2025 at 2:00 p.m. (ECF No. 10).

21 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties
22 hereto, through their undersigned counsel, as follows:

23 1. Defendant need not answer, move, or otherwise respond to Plaintiff’s Complaint
24 until forty-five (45) days after the Court decides Poppi’s pending Motion to Dismiss in the
25 Consolidated Action.

26 2. The Court may reset the initial case management conference, currently scheduled
27 for January 7, 2025 at 2:00 p.m., to a later date.

28 3. The Parties are not waiving any rights, claims, or defenses of any kind except as

1 expressly stated herein, and the Parties reserve the right to seek further extensions of time as
2 circumstances may warrant, subject to the Court's approval.

3
4 Dated: October 15, 2024

COOLEY LLP

5 /s/ Megan L. Donohue
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16 VNGR BEVERAGE, LLC d/b/a POPPI

16 Dated: October 15, 2024

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ATTESTATION OF CONCURRENCE IN FILING

Pursuant to the United States District Court for the Northern District of California, Civil L.R. 5-1(i), I, Megan L. Donohue, hereby attest that the concurrence to the filing of the foregoing document has been obtained from the signatories.

Dated: October 15, 2024

COOLEY LLP

/s/ Megan L. Donohue

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Attorneys for Defendant
VNGR BEVERAGE, LLC d/b/a POPPI

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Court, having considered the parties' Revised Joint Request to Extend Time to Respond to the Complaint, pursuant to Civil Local Rules 6-2, 16-2, and 7-12, the Court hereby orders that Defendant VNGR Beverage, LLC's ("Defendant's") deadline to respond to Plaintiff Jackson's ("Plaintiff's") Complaint is extended until forty-five (45) days after the pending Defendant's Motion to Dismiss in *In re VNGR Beverage, LLC Litig.*, Case No. 4:24-cv-03229-HSG (N.D. Cal.) is decided. The initial case management conference scheduled for January 7, 2025 is hereby vacated and will be reset.

Dated: 10/15/2024

By: 
Judge Haywood S. Gilliam, Jr.